

# EXHIBIT 3



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July 22, 2022

**VIA E-MAIL (MICHAEL.PITMAN@USDOJ.GOV; COREY.SMITH@USDOJ.GOV;  
CHRISTOPHER.MAGNANI@USDOJ.GOV; LEE.F.LANGSTON@USDOJ.GOV)**

Michael G. Pitman  
Assistant United States Attorney  
United States Attorney's Office for the Northern District of California  
150 Almaden Blvd., Suite 900  
San Jose, CA 95113

**Re: USA v. Kepke, U.S. District Court - Northern District of California  
Case No. 3:21-CR-00155-JD - Rebuttal Expert Disclosure**

Dear Mr. Pitman:

Pursuant to the Court's March 3, 2022 Scheduling Order, Mr. Kepke hereby provides notice that he may offer the rebuttal expert testimony of Rodney Read at trial. This notice contains what we currently anticipate Mr. Read may testify to at trial on rebuttal and is subject to potential modification, as our work with the expert proceeds and we draw closer to trial, and as the government is still producing discovery.

Rodney Read is a partner at Baker & McKenzie LLP in its Tax Practice Group. Mr. Read holds a J.D. from the University of Houston Law Center and an LL.M. in Taxation from the New York University School of Law. His *curriculum vitae* is attached as Exhibit A.

We anticipate Mr. Read may rebut the government's expert testimony in the following areas:

1. Mr. Read may rebut Bruce G. Dubinsky's testimony regarding offshore trust entities, opining on how they are created; for what purpose they are created, including for the legal purposes of avoiding taxes and protecting assets; and the various actors involved in the creation and operation of the entities.
2. Mr. Read may opine on the validity of the foreign non-grantor trust structure established with the Excelsior Trust.
3. Mr. Read may opine on the level of control over the beneficial enjoyment of trust assets by trust protectors, trustees, and/or beneficiaries that may result in a non-grantor trust being treated as a grantor trust for tax purposes.
4. Mr. Read may opine on the acceptable roles that attorneys may take in the establishment and operation of foreign trust structures.



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5. Mr. Read may rebut Mr. Dubinsky's opinions regarding offshore trust entities lacking "true economic substance."

Sincerely,

*/s/ Grant P. Fondo*

Grant P. Fondo

GPF

cc: Richard M. Strassberg  
David Callaway  
Nicole Kim  
Roland Chang

# EXHIBIT A

**RODNEY READ**

**RODNEY READ**  
Baker & McKenzie LLP

**BAR STATUS**

Admitted to the Texas Bar, 2008

**EDUCATION**

**NEW YORK UNIVERSITY SCHOOL OF LAW**, New York, NY  
LL.M. in Taxation, May 2009

**UNIVERSITY OF HOUSTON LAW CENTER**, Houston, TX  
J.D., May 2008

**LAMAR UNIVERSITY**, Beaumont, TX  
B.B.A. in Accounting, December 2001

**EXPERIENCE**

**BAKER & MCKENZIE LLP**

*Partner*, Global Wealth Management

Zurich, Switzerland Dec 2009 – Aug 2012; Houston, Texas Aug 2012 - Present

Assist international clients with the structuring and administration of trusts, the formation of tax efficient structures for investment in the United States, US tax issues of beneficiaries, negotiation and establishment of Insurance Dedicated Funds, and expatriation from the US with advice regarding the US exit tax; Guide US clients through the US Offshore Voluntary Disclosure Programs, assists with regularizing US tax, and reporting obligations; Advise financial institutions, trust companies, and insurance companies on US reporting obligations for the business and their clients.

**THE HONORABLE JUAN VASQUEZ, U.S. TAX COURT**, Washington D.C.  
*Judicial Intern*, July 2007 – August 2007

**THE HONORABLE VANESSA GILMORE, U.S. DISTRICT COURT, S.D. TEX.**, Houston, TX  
*Judicial Intern*, August 2006 – December 2006

**THE HONORABLE TERRY JENNINGS, TEXAS FIRST COURT OF APPEALS**, Houston, TX  
*Judicial Intern*, July 2006 – August 2006

**SPEAKING ENGAGEMENTS**

- Corporate Transparency: US Joins The Rest Of The World, January 2022
- The Age of Transparency: Information Reporting Regimes and their impact for Wealth Owners and Financial Institutions, June 2021
- Transfers of Wealth to US Persons, Primer on CFCs and PFICs and How they Apply to LatAm Clients, September 2019
- Opportunity Knocking: Structuring US Real Estate Investments, September 2019
- Coming to America: Pre-Immigration Planning, September 2019
- Planning for Mexican Families, September 2019
- Dynamic Philanthropy, September 2019
- Estate Basis Consistency Rules for Fiduciaries: Navigating Reporting Requirements and Distribution Strategies, March 2019
- Planning for Mexican Families with US Connections/Moving to the US, January 2019
- An extended list can be provided upon request.

RODNEY READ

**ARTICLES**

- *IRS to Obtain U.S. Bank Information on Finnish Residents with U.S. Bank Accounts*, May 2019
- *Another FATCA Deadline, Another Extension*, September 2018
- *The IRS Implements a Simplified Method for Obtaining an Extension of Time to Make a Portability Election, Again*, June 2017
- *OVDP Compliance Campaign Rollout*, June 2017
- *Final Reporting and Recordkeeping Requirements for Foreign-Owned Disregarded U.S. Entities*, January 2017
- *PFIC: Determining Ownership and Reporting Requirements Under New Regulations*, January 2017
- *Even if the Proposed 2704 Regulations Don't Get Trumped, it May Not be as Bad as we Thought*, December 2016
- *The Foreign Earned Income Exclusion Requires More Than Just Living Overseas*, September 2016
- *Impact on Business Valuations of Lapsed Rights and Restrictions on Liquidation of an Interest: Is this the End of Valuation Discounting as we Know it? - Section 2704 Proposed Regulations Released*, August 2016
- An extended list can be provided upon request.

**REPRESENTATIVE LEGAL MATTERS**

- Represents trust division of Swiss based multinational financial institution on US tax and classification analysis of current trusts under management.
- Represented Swiss wealth management and asset management firm in a major tax evasion investigation by DOJ.
- Represented Gibraltar financial institution in a major tax evasion investigation by DOJ.
- Represented Jersey trust company on US tax analysis and amendment of trusts with US beneficiaries.
- Represented Swiss individual in a major tax evasion investigation by DOJ.
- Represents US based multi-family office on US and foreign trust planning.
- Represents non-US entrepreneurs establishing US business ties with their treaty based US income tax and estate tax planning.
- Represents European privately held multinational consumer products company with US charitable foundation operations.
- Represents Singapore investment firm with multijurisdictional FATCA and CRS compliance.
- Represents multinational insurance provider on creation and obligations related to private placement life insurance products.
- Represents Bahamas based trust company on compliance of US based beneficiaries.
- Represents major publicly traded US company with the establishment of a non-charitable purpose trust structure
- Represented REIT on investment in real property via private placement life insurance.
- Represents multiple generations of US based family owning multinational manufacturing company on estate and philanthropic planning that includes charitable foundations and social welfare organizations.
- Represented US financial institution on litigation of Italian trust
- Represented Swiss family office in the negotiations and creation of insurance dedicated fund.
- Represents Florida based family with significant business and real estate holdings in the US and Latin America with trust, succession and charitable planning
- Represented member of Saudi royal family on US tax compliance and expatriation matters.